

to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

(b) The United States district court for the district wherein an award was made that was issued pursuant to section 580 of title 5 may make an order vacating the award upon the application of a person, other than a party to the arbitration, who is adversely affected or aggrieved by the award, if the use of arbitration or the award is clearly inconsistent with the factors set forth in section 572 of title 5.

(July 30, 1947, ch. 392, 61 Stat. 672; Pub. L. 101-552, § 5, Nov. 15, 1990, 104 Stat. 2745; Pub. L. 102-354, § 5(b)(4), Aug. 26, 1992, 106 Stat. 946.)

#### DERIVATION

Act Feb. 12, 1925, ch. 213, § 10, 43 Stat. 885.

#### AMENDMENTS

1992—Subsec. (b). Pub. L. 102-354 substituted “section 580” for “section 590” and “section 572” for “section 582”.

1990—Pub. L. 101-552 designated existing provisions as subsec. (a), in introductory provisions substituted “In any” for “In either”, redesignated former subsecs. (a) to (e) as pars. (1) to (5), respectively, and added subsec. (b) which read as follows: “The United States district court for the district wherein an award was made that was issued pursuant to section 580 of title 5 may make an order vacating the award upon the application of a person, other than a party to the arbitration, who is adversely affected or aggrieved by the award, if the use of arbitration or the award is clearly inconsistent with the factors set forth in section 572 of title 5.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9 of this title; title 5 sections 580, 581; title 8 section 1182; title 41 section 607.

### § 11. Same; modification or correction; grounds; order

In either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matter submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

(July 30, 1947, ch. 392, 61 Stat. 673.)

#### DERIVATION

Act Feb. 12, 1925, ch. 213, § 11, 43 Stat. 885.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9 of this title; title 5 sections 580, 581; title 8 section 1182; title 41 section 607.

### § 12. Notice of motions to vacate or modify; service; stay of proceedings

Notice of a motion to vacate, modify, or correct an award must be served upon the adverse

party or his attorney within three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

(July 30, 1947, ch. 392, 61 Stat. 673.)

#### DERIVATION

Act Feb. 12, 1925, ch. 213, § 12, 43 Stat. 885.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 580, 581; title 41 section 607.

### § 13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement

The party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

(July 30, 1947, ch. 392, 61 Stat. 673.)

#### DERIVATION

Act Feb. 12, 1925, ch. 213, § 13, 43 Stat. 886.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 580, 581; title 41 section 607.

### § 14. Contracts not affected

This title shall not apply to contracts made prior to January 1, 1926.

(July 30, 1947, ch. 392, 61 Stat. 674.)

#### DERIVATION

Act Feb. 12, 1925, ch. 213, § 15, 43 Stat. 886.

#### PRIOR PROVISIONS

Act Feb. 12, 1925, ch. 213, § 14, 43 Stat. 886, former provisions of section 14 of this title relating to “short title” is not now covered.